

REFERENCE TITLE: high schools; nutrition standards

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2373

Introduced by
Representatives Anderson, Barnes, Miranda: Alvarez, Clark, DeSimone,
Hershberger, Konopnicki, Lujan, McLain, Senators Garcia, Huppenthal

AN ACT

AMENDING SECTION 15-242, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-242.01; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-242, Arizona Revised Statutes, is amended to
3 read:

4 15-242. Nutritional standards for elementary schools, middle
5 schools and junior high schools

6 A. ~~By July 1, 2006,~~ The department shall develop minimum nutrition
7 standards that meet at least federal guidelines and regulations for foods and
8 beverages sold or served on the school grounds of elementary schools, middle
9 schools and junior high schools during the normal school day. These nutrition
10 standards may include portion sizes, minimum nutrient values and a listing of
11 contents. This subsection does not prohibit the department from developing
12 minimum nutrition standards that are more stringent than the federal
13 guidelines and regulations for foods and beverages sold or served on school
14 grounds during the normal school day.

15 B. All elementary schools, middle schools and junior high schools
16 shall participate in the national school lunch program as defined in Public
17 Law 108-265 except that a school district with fewer than one hundred pupils
18 that is not currently participating in the national school lunch program may
19 be exempt from this subsection if the school district governing board
20 determines at a public meeting to not participate in the requirements of this
21 subsection.

22 C. Food and beverages sold or served on the school grounds of
23 elementary schools, middle schools and junior high schools or at
24 school-sponsored events of elementary schools, middle schools and junior high
25 schools during the normal school day shall meet the nutrition standards
26 developed by the department, including foods and beverages offered as any of
27 the following:

- 28 1. A la carte items in the food service program.
29 2. Food and beverages sold in vending machines, snack bars and
30 meal-period kiosks and at school stores.

31 D. Foods of minimal nutritional value as defined by 7 Code of Federal
32 Regulations section 210.11(2) shall not be served or sold during the normal
33 school day on any elementary school, middle school or junior high school
34 campus.

35 E. ~~Beginning on July 15, 2006,~~ New contracts and renewal contracts for
36 food or beverages, or both, shall expressly prohibit the sale of sugared,
37 carbonated beverages and all other foods of minimal nutritional value as
38 defined by 7 Code of Federal Regulations section 210.11(2) on elementary
39 school, middle school and junior high school campuses. The department may
40 approve, on or after ~~the effective date of this section~~ **AUGUST 12, 2005**, a
41 carbonated drink that is determined by the department to meet or exceed the
42 department's minimum nutrition standards.

1 F. Parents, pupils and community members may review food and beverage
2 contracts to ensure that food and beverages sold on elementary school, middle
3 school and junior high school campuses provide nutritious sustenance to
4 pupils, promote good health, help students learn, provide energy and model
5 fit living for life.

6 ~~G. School districts that offer instruction in grades nine through
7 twelve may adopt nutrition standards for high school campuses.~~

8 ~~H. School districts that offer instruction in grades nine through
9 twelve may adopt nutrition standards for high school campuses.~~

10 ~~I.~~ G. Nothing in this section shall be construed to:

11 1. Prohibit a school district from developing and adopting nutrition
12 standards that are more stringent than those developed pursuant to this
13 section.

14 2. Prohibit or limit the sale or distribution of any food or beverage
15 item through fund-raising activities of students, teachers or educational
16 groups when the items are intended for sale off the school grounds.

17 3. Prohibit or limit the sale or distribution of any food or beverage
18 items to teachers, administrators or other adults in a faculty lounge or
19 under other circumstances where the sale or distribution is limited to
20 teachers, administrators or other adults.

21 Sec. 2. Title 15, chapter 2, article 2, Arizona Revised Statutes, is
22 amended by adding section 15-242.01, to read:

23 15-242.01. Nutrition standards for high schools

24 A. BY JULY 1, 2008, THE DEPARTMENT SHALL DEVELOP NUTRITION STANDARDS
25 FOR HIGH SCHOOLS THAT ARE SEPARATE FROM THE NUTRITION STANDARDS FOR
26 ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS DEVELOPED PURSUANT
27 TO SECTION 15-242. THE NUTRITIONAL STANDARDS FOR HIGH SCHOOLS SHALL MEET AT
28 LEAST FEDERAL GUIDELINES AND REGULATIONS FOR FOODS AND BEVERAGES SOLD ON
29 SCHOOL GROUNDS OF SCHOOLS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH
30 TWELVE DURING THE NORMAL SCHOOL DAY. THESE NUTRITION STANDARDS MAY INCLUDE
31 PORTION SIZES APPROPRIATE FOR HIGH SCHOOL PUPILS, MINIMUM NUTRIENT VALUES AND
32 A LISTING OF CONTENTS. THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM
33 DEVELOPING MINIMUM NUTRITION STANDARDS THAT ARE MORE STRINGENT THAN THE
34 FEDERAL GUIDELINES AND REGULATIONS FOR FOODS AND BEVERAGES SOLD OR SERVED ON
35 SCHOOL GROUNDS DURING THE NORMAL SCHOOL DAY.

36 B. CULINARY EDUCATION PROGRAMS ARE EXEMPT FROM THE NUTRITIONAL
37 STANDARDS DEVELOPED PURSUANT TO THIS SECTION UNLESS THE CULINARY EDUCATION
38 PROGRAMS SELL FOOD OR BEVERAGES TO STUDENTS DURING THE NORMAL SCHOOL DAY.

39 C. FOOD AND BEVERAGES SOLD OR SERVED ON THE SCHOOL GROUNDS OF SCHOOLS
40 THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE OR AT SCHOOL SPONSORED
41 EVENTS OF SCHOOLS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE DURING
42 THE NORMAL SCHOOL DAY SHALL MEET THE HIGH SCHOOL NUTRITION STANDARDS
43 DEVELOPED BY THE DEPARTMENT, INCLUDING FOODS AND BEVERAGES OFFERED AS ANY OF
44 THE FOLLOWING:

45 1. A LA CARTE ITEMS IN THE FOOD SERVICE PROGRAM.

1 2. FOOD AND BEVERAGES SOLD IN VENDING MACHINES, SNACK BARS AND
2 MEAL-PERIOD KIOSKS AND AT SCHOOL STORES.

3 D. SCHOOLS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE SHALL
4 PROVIDE A VARIETY OF BEVERAGE CHOICES TO HIGH SCHOOL PUPILS, SUCH AS BOTTLED
5 WATER, JUICE DRINKS THAT CONTAIN ONE HUNDRED PER CENT FRUIT OR VEGETABLE
6 JUICE, ISOTONIC BEVERAGES AND LOW FAT MILK. NO MORE THAN FIFTY PER CENT OF
7 THE AVAILABLE BEVERAGES MAY INCLUDE DIET AND UNSWEETENED TEAS, ZERO CALORIE
8 CARBONATED DRINKS, SPORTS DRINKS OR JUICE DRINKS THAT CONTAIN LESS THAN FIFTY
9 PER CENT FRUIT OR VEGETABLE JUICE.

10 E. BEGINNING JULY 15, 2008, NEW CONTRACTS AND RENEWAL CONTRACTS FOR
11 FOOD OR BEVERAGES, OR BOTH, SHALL LIMIT THE SELECTION OF ALL DIET AND
12 UNSWEETENED TEAS, ZERO CALORIE CARBONATED BEVERAGES, ISOTONIC DRINKS OR JUICE
13 DRINKS THAT CONTAIN LESS THAN FIFTY PER CENT FRUIT OR VEGETABLE JUICE TO NO
14 MORE THAN FIFTY PER CENT OF VENDING MACHINE CAPACITY LOCATED ON THE CAMPUSES
15 OF SCHOOLS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE. ALL OTHER
16 FOODS OF MINIMAL NUTRITIONAL VALUE SHALL BE EXPRESSLY PROHIBITED ON THE
17 CAMPUSES OF SCHOOLS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE
18 DURING THE NORMAL SCHOOL DAY.

19 F. PARENTS, PUPILS AND COMMUNITY MEMBERS MAY REVIEW FOOD AND BEVERAGE
20 CONTRACTS TO ENSURE THAT FOOD AND BEVERAGES SOLD ON THE CAMPUSES OF SCHOOLS
21 THAT OFFER INSTRUCTION IN GRADES NINE THROUGH TWELVE PROVIDE NUTRITIOUS
22 SUSTENANCE TO PUPILS, PROMOTE GOOD HEALTH, HELP STUDENTS LEARN, PROVIDE
23 ENERGY AND MODEL FIT LIVING FOR LIFE.

24 G. THIS SECTION SHALL BE SUBJECT TO THE FINANCIAL AND COMPLIANCE
25 AUDITS PRESCRIBED IN SECTION 15-914. THE SCHOOL DISTRICT SHALL MAKE
26 AVAILABLE INTERNAL REPORTING THAT DEMONSTRATES ASSESSMENT OF COMPLIANCE WITH
27 THIS SECTION AND ANY CORRECTIVE ACTIONS REQUIRED FOR NONCOMPLIANCE.
28 NONCOMPLIANCE ACTIONS SHALL BE IDENTIFIED AS AUDIT FINDINGS AND SHALL BE
29 CONSISTENT WITH FORMAL CORRECTIVE ACTIONS OR PENALTIES, OR BOTH, OF THE
30 SINGLE AUDIT ACT AMENDMENTS OF 1996.

31 H. THIS SECTION SHALL NOT BE CONSTRUED TO:

32 1. PROHIBIT A SCHOOL DISTRICT FROM DEVELOPING AND ADOPTING NUTRITION
33 STANDARDS THAT ARE MORE STRINGENT THAN THOSE DEVELOPED PURSUANT TO THIS
34 SECTION.

35 2. PROHIBIT OR LIMIT THE SALE OR DISTRIBUTION OF ANY FOOD OR BEVERAGE
36 ITEM THROUGH FUND-RAISING ACTIVITIES OF STUDENTS, TEACHERS OR EDUCATIONAL
37 GROUPS IF THE ITEMS ARE INTENDED FOR SALE OR CONSUMPTION OFF THE SCHOOL
38 GROUNDS.

39 3. PROHIBIT OR LIMIT THE SALE OF OR DISTRIBUTION OF ANY FOOD OR
40 BEVERAGE ITEMS TO TEACHERS, ADMINISTRATORS OR OTHER ADULTS IN A FACULTY
41 LOUNGE OR UNDER OTHER CIRCUMSTANCES IF THE SALE OR DISTRIBUTION IS LIMITED TO
42 TEACHERS, ADMINISTRATORS OR OTHER ADULTS.